



# STATE MINING AND GEOLOGY BOARD

## EXECUTIVE OFFICER'S REPORT



ARNOLD  
SCHWARZENEGGER  
GOVERNOR

For Meeting Date: September 11, 2008

**Agenda Item No. 3: Adoption of Resolution 2008-05, Certifying the County of Sacramento's Surface Mining and Reclamation Ordinance No. SCC-1391, and Adding Surface Mining Ordinance No. SZC-2008-0019 to the Zoning Code, as Being in Accordance with the Surface Mining and Reclamation Act (SMARA; Public Resources Code Section 2710 et seq.).**

**INTRODUCTION:** The Surface Mining and Reclamation Act (SMARA, Public Resources Code Section 2710 et seq.) requires that each city or county with a surface mining operation within its jurisdiction adopt a surface mining ordinance in accordance with State Policy that establishes procedures for the review and approval of reclamation plans and financial assurances and the issuance of a permit to conduct surface mining operations. SMARA provides for the State Mining and Geology Board (SMGB) to certify local agency mining ordinances as being in accordance with State Policy before they become effective.

**STATUTORY AUTHORITY:** SMARA, pursuant to PRC Section 2774(a), requires each lead agency to adopt ordinances in accordance with State Policy and states:

*"Every lead agency shall adopt ordinances in accordance with state policy which establish procedures for the review and approval of reclamation plans and financial assurances and the issuance of a permit to conduct surface mining operations, except that any lead agency without an active surface mining operation in its jurisdiction may defer adopting an implementing ordinance until the filing of a permit application. The ordinances shall establish procedures requiring at least one public hearing and shall be periodically reviewed by the lead agency and revised, as necessary, to ensure that the ordinances continue to be in accordance with state policy."*

SMARA also provides for the SMGB to certify local agency mining ordinances as being in accordance with State Policy before they become effective, pursuant to PRC Section 2774.3, which states:

*"The board shall review lead agency ordinances which establish permit and reclamation procedures to determine whether each ordinance is in accordance with state policy, and shall certify the ordinance as being in accordance with state policy if it adequately*



*Executive Officer's Report*

*meets, or imposes requirements more stringent than, the California surface mining and reclamation policies and procedures established by the board pursuant to this chapter.”*

**BACKGROUND:** SMARA (Public Resources Code Section 2710 et seq.) requires that each city or county with a surface mining operation within its jurisdiction adopt a surface mining ordinance in accordance with State Policy that establishes procedures for the review and approval of reclamation plans and financial assurances and the issuance of a permit to conduct surface mining operations. SMARA provides for the SMGB to certify local agency mining ordinances as being in accordance with State Policy before they become effective (PRC Section 2774.3).

At its regular business meeting held on March 10, 1994, the SMGB re-certified the County of Sacramento’s surface mining and reclamation ordinance (SMGB Resolution No. 94-61).

In March 2008, the SMGB received proposed language amending the County’s Code and Zoning Code. Such documents were reviewed and comments provided, and subsequently incorporated. The amended version of the County Code is based largely on the SMGB’s State Model Ordinance (dated January 14, 1999).

On June 11, 2008, the County of Sacramento, Board of Supervisors adopted new language for amending:

- Sacramento County Code, Title 20, Chapter 20.04, Surface Mining and Reclamation; and
- Sacramento County Zoning Code, Title II, Chapter 23, Article, Surface Mining.

**EXECUTIVE OFFICER’S RECOMMENDATION:** The Executive Officer finds that the County of Sacramento’s Surface Mining and Reclamation Ordinance Number 670-C.S, as amended by Surface Mining and Reclamation Ordinance No. SCC-1391, and adding Surface Mining Ordinance No. SZC-2008-0019 to the Zoning Code, is in accordance with Surface Mining and Reclamation Act of 1975 and the requirements of State Policy. The Executive Officer recommends that the SMGB adopt Resolution 2008-06 certifying the County’s surface mining ordinance.



**SUGGESTED MOTION LANGUAGE:**

To adopt resolution and certify mining ordinance:

*Mr. Chairman, in light of the information before the SMGB, I move that the SMGB adopt Resolution Number 2008-06 certifying the County of Sacramento's Surface Mining and Reclamation Ordinance No. SCC-1391, and adding Surface Mining Ordinance No. SZC-2008-0019 to the Zoning Code, as being in accordance with the Surface Mining and Reclamation Act and the requirements of State Policy.*

Respectfully submitted:

---

Stephen M. Testa  
Executive Officer

